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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,579	02/16/2007	Heinz Heissler	2003P01285WOUS	5640

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EXAMINER

BIRBACH, NAOMI L

ART UNIT	PAPER NUMBER
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1792

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07/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,579	Applicant(s) HESSLER ET AL.	
	Examiner NAOMI BIRBACH	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05252006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because it refers to purported merits of the invention. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).

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- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

Applicants are encouraged to follow 37 CFR 1.77(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 17 and 19 recite “preferably by means of an electronic controller.” The term “preferably” constitutes indefinite subject matter, rendering these claims indefinite

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2515420 B to Okamoto et al. (Machine Translation)

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8. As to claim 11, Okamoto discloses a dishwasher comprising a washing container for retaining therein objects to be washed by the dishwasher (Page 4; Figure 1). The dishwasher also contains a system for drying objects including heat generating means (Ref. #17) for heating at least part of the air present in the dishwasher (Page 5; Figure 1) and a humidity sensor (Ref. #50) that detects the humidity of at least part of the air present in the dishwasher (Page 5; Figure 1). The heat generating means is disclosed as a heater, which is understood to be a hot air blower since it supplies heated air to the cleaning and drying chamber through a nozzle (Page 5; Figure 1).

9. As to claim 12, Okamoto further discloses a microcomputer (Ref. #48), which is an electronic controller means, for controlling the drying system as a function of detected humidity (Pages 5-6; Figure 1).

10. As to claim 13, Okamoto further discloses that the system is automatically switched off a drying operation stop means controlled by the microcomputer as a function of the humidity determined by the humidity sensor, which is a non-independent manner (Pages 6 and 8).

11. As to claims 14 and 15, Okamoto further discloses that the humidity sensor (Ref. #50) is arranged in an upper area of the washing container of the dishwasher (Figure 1; Page 5).

12. As to claim 16, Okamoto discloses a method for cleaning and drying objects to be washed in dishwashers. The method comprises subjecting the objects to be washed to cleaning and rinsing processes followed by a drying process, where at least some of the air present in the dishwasher is heated by a heat generating means (Pages 5-6;

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Figure 1). The heat generating means is disclosed as a heater, which is understood to be a hot air blower since it supplies heated air to the cleaning and drying chamber through a nozzle (Page 5; Figure 1). The humidity of at least some of the air in the dishwasher is detected by a humidity sensor (Ref. #50) during the drying process (Page 3, [Function], Pages 6, 8).

13. As to claims 17 and 18, Okamoto further discloses that the drying process is controlled as a function of the humidity determined by the humidity sensor by means of a microcomputer, which is an electronic controller, such that the drying process is ended as a function of the determined humidity (Page 6).

14. As to claims 19 and 20, Okamoto further discloses that the operation of the heater is controlled as a function of the humidity determined by the humidity sensor such that the heater is turned off as a function of the humidity determined (Page 3, [Function] and Page 8). The heater is connected to and controlled by a microcomputer (Ref. #48), which is an electronic controller (Page 6).

15. Claims 11-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 01-141642 A to Asai (Abstract).

16. As to claim 11, Asai discloses a dishwasher comprising a washing container for retaining therein objects to be washed by the dishwasher (Figure 1) and a system for drying objects to be washed comprising heat generating means in the form of an electric heater and hot air blower for heating the air in the dishwasher and a humidity sensor that detects the humidity of the air in the dishwasher (Abstract; Figure 1).

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17. As to claim 12, Asai further discloses that the system includes electronic control means for controlling the drying system (Abstract).

18. As to claim 13, Asai further discloses that once the humidity detected by the humidity sensor reaches a predetermined value, the system is automatically stopped, meaning that it is switched off in a non-independent manner (Abstract).

19. As to claims 14, Asai further discloses that the humidity sensor (Ref. #9) is arranged in the washing container (Figure 1).

20. As to claims 16, Asai discloses a method for cleaning and drying objects to be washed in a dishwasher. Asai teaches that the objects have been washed, so it is understood that they have been subjected to a cleaning and rinsing process (Abstract). After being washed, the objects are subjected to a drying process where the air in the dishwasher is heated by heat generating means in the form of an electric heater and hot air blower and the humidity of the air in the dishwasher is detected by a humidity sensor during the drying process (Abstract, Figure 1).

21. As to claims 17 and 18, Asai further discloses that the drying process is controlled by a function of the humidity determined by the humidity sensor, such that the drying process is ended as a function of the determined humidity and the feeding of an electric source is stopped (Abstract).

22. As to claims 19 and 20, Asai further discloses that the operation of the heat generating means is controlled by a function of the humidity determined by the humidity sensor, such that the operation is ended as a function of the determined humidity and the feeding of an electric source is stopped (Abstract).

Examiner's Note

23. Applicants' attention is drawn to the fact that the instant claims are directed to at least two distinct inventions – a dishwasher, as represented by claims 11-15 (Group I) and a method for cleaning and drying objects to be washed in dishwashers, represented by claims 16-20 (Group II). The restriction requirement is not made at this time; however it may be imposed later if the claims are amended to introduce additional limitations to each invention, which would require an additional search in each Group of claims.

24. An English translation of JP 01-141642 A to Asai has been ordered and will be available by the time of the next office action.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 09-094212 to Kai, et al. discloses an apparatus and method for drying objects to be washed including a humidity sensor, but does not teach the heat generating means as defined by applicant.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAOMI BIRBACH whose telephone number is (571)270-7367. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. B./

Naomi Birbach

Examiner, Art Unit 1792

7/15/09

/Michael Kornakov/

Supervisory Patent Examiner, Art Unit 1792